

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALLAN WHITE,

Plaintiff,

-vs-

Case No. 02-71710
Hon: AVERN COHN

HARRY TRAPP and TOM PHILLIPS,

Defendants.

ORDER SETTING CASE FOR TRIAL

This is a prisoner civil rights case, 42 USC §1983. This order is entered to move the case to trial.

1. Plaintiff has filed an "Amended Pretrial Statement" (Dkt No. 59) and a "Motion to Amend Pretrial Supplemental Narrative Statement" (Dkt No. 109). These papers establish the parameters of plaintiff's case with the exception of the assertion that Marjorie VanOchten is a defendant. Ms. VanOchten is not a defendant; the defendants are Harry Trapp and Tom Phillips.¹

2. At trial, plaintiff is limited to calling the witnesses he has listed in the Amended Pretrial Statement and the two (2) defendants.

3. Plaintiff's paper styled "Compliance With the Court's Supplemental Order Providing Copies of Exhibits to be Offered" (Dkt No. 66) list the exhibits which plaintiff may offer at trial.

4. Defendant has filed "Defendants' Pretrial Statement" (Dkt No. 60) and

¹This moots defendants' objections to plaintiff's motion to amend.

Defendants' Supplemental Pretrial Statement Pursuant to Order of March 24, 2005" (Dkt No. 67). These papers include a list of the witnesses defendants intend to call at trial and the exhibits defendants intend to introduce at trial. These papers establish the parameters of defendants' defense.

5. Plaintiff has filed a motion styled "Plaintiff's Motion for Clarification and the Extent of Discovery That Will Be Afforded to Plaintiff" (Dkt No. 104), to which defendants have responded. The motion is DENIED, except that plaintiff may take the depositions of the two (2) defendants by written questions pursuant to Fed. R. Civ. P. 31 (Deposition Upon Written Questions).

6. There are no pending motions.

7. No amendment of the pretrial statements, witness lists or exhibit lists will be allowed.

8. The case will be tried to a jury. Trial shall commence on **Monday, August 07, 2006 at 9:00 a.m.** Sixty (60) days prior to trial, the Court will endeavor to have plaintiff transferred to the Ryan Correctional Facility.

SO ORDERED.

Dated: May 25, 2006

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to counsel and Allan White, #127009, Lakeland Correctional Facility, 141 First St., Coldwater, MI 49036 of record on this date, May 25, 2006, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160